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May 10, 2005

By E-Filing

The Honorable Kent A. Jordan
United States District Court for the District of Delaware
844 North King Street
Room 6325, Lockbox 10
Wilmington, Delaware 19801

     RE: *Optrex America, Inc. v. Honeywell International Inc. and Honeywell*
             Intellectual Properties Inc., **D. Del., C.A. No. 04-1536**

Dear Judge Jordan:

     This letter is on behalf of Optrex America, Inc. ("Optrex") in the above matter. The parties will shortly submit a proposed scheduling order in connection with the Court's May 16, 2005, scheduling conference. This scheduling conference simultaneously addresses Honeywell's patent infringement cases in civil action numbers 04-1337 and 04-1338. Optrex submits that the early trial on validity contemplated in this proposal coupled with an early claim construction provides the best tool for managing this litigation given the number and diversity of the defendants.
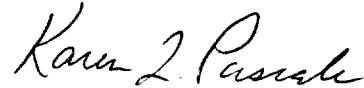
     Honeywell in this case would have the Court believe that since it involves only one patent that trial against all defendants will be comparatively simple. Nothing could be further from the truth. Many of the module makers and module users have, as a result of Honeywell's lengthy delay in initiating litigation, significant laches defenses. Because laches is equitable in nature, each defendant's laches defense will be unique to that individual defendant. The damages case will not be of the one size fits all variety either since each of the eight categories of products enumerated by Honeywell in its complaint has its own unique issues regarding the proper measure of damages. Finally, it is the understanding of Optrex that other LCD module manufacturers have many different module designs which appear to have been accused of infringement by Honeywell, which will result in many diverse infringement defenses.

     Optrex submits that an early trial of the Optrex claim that its modules do not infringe the Honeywell patent and that the patent is both invalid and unenforceable, and the associated claim

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construction, will materially streamline the litigation and accelerate the ultimate resolution of the matter.

Respectfully submitted,

Karen L. Pascale

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CERTIFICATE OF SERVICE

I, Karen L. Pascale, hereby certify that on May 10, 2005, I caused to be electronically filed a true and correct copy of the notice of the foregoing document – *Letter to the Honorable Kent A. Jordan* – with the Clerk of Court using CM/ECF which will send notification of such filing to the following counsel of record:

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> *and Honeywell Intellectual Properties, Inc.*

I further certify that on May 10, 2005, I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel, and that a copy was served on the following non-registered participants on the same date in the manner indicated:

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> _____/s/ Karen L. Pascale_____
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